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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,530	11/05/2003	Tomoyasu Shimizu	36856.1163	6040
7590	03/22/2005		EXAMINER	
Joseph R. Keating, Esq. KEATING & BENNETT, LLP Suite 312 10400 Eaton Place Fairfax, VA 22030			TRAN, DENISE	
		ART UNIT	PAPER NUMBER	
		2189		
DATE MAILED: 03/22/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/700,530	SHIMIZU, TOMOYASU	
	<b>Examiner</b>	<b>Art Unit</b>	
	Denise Tran	2186	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 27 September 2004.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 2 and 5 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 2 and 5 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 11 May 2003 is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. 09/642,433.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a))

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5/24/9;23/9/27/04.

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_ .

**DETAILED ACTION**

1. Claims 2 and 6 are presented for examination. Claims 1, 3-4, and 6 have been canceled.

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The abstract of the disclosure is objected to because the abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. Correction is required. See MPEP § 608.01(b).

4. Claims 2 and 5 are objected to because of the following informalities: claim 2, line 8, "said central processing" should be --said central processing unit--; claim 2, line 9, "the" should be --an--; and Appropriate correction is required. Claim 5 contains similar problems as discussed in claim 2

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 2 and 5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 2, it is unclear whether "the modification of the information" referred to a modification of the information of line 8 or the modified modifiable information of line 13; and it is unclear whether "modifying the address of the information" referred to an address of the information of line 8 or the address of the predetermined modifiable information of line 10. Claim 5 contains similar problems as discussed in claim 2.

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 2 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toshiro et al., JP publication No. 08-195952, (hereinafter Toshiro), in view of Han, U.S. 2002/0013879.

As per claims 2 and 5, Toshiro shows a data processing device/method comprising:

A read only memory (e.g., abstract, ROM 7, fig. 1)

An EEPROM capable of modifying information stored therein and adding information thereto (e.g., abstract, EEPROM 9, fig. 1);

A central processing unit performing data processing using information stored in said read only memory and said EEPROM memory (e.g., fig.1, CPU 6, Detailed Description, page 2, [0019]; page 3, [0028] );

An information storage area provided in said read only memory for storing information used by said central processing used for data processing (e.g., Detailed Description ,page 2, [0019]);

An address storage area provided in said EEPROM for storing at least the address of predetermined modifiable information among the information stored in said information storage area (e.g., abstract; fig. 3, f1);

A modified –information storage area provided in said EEPROM for storing modified modifiable information (e.g., abstract fig. 3, f1); and

whereby the information used by said central processing unit for data processing can be freely modified or added (e.g., abstract).

Toshiro does not explicitly show a flash memory and an address modification control unit for, after the modified of modifiable of modifiable information is stored in said modified-information storage area of said flash memory, and in accordance with the modification of the information modifying the address of the information stored in said address storage area. Han shows a flash memory (e.g., fig. 3, el. 11; page 2, [0028]) and an address modification control unit for, after a modified modifiable

information is stored in a modified-information storage area of the flash memory, and in accordance with the modification of the information modifying the address of the information stored in the address storage area (e.g., page 4, [0049]; [0053]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of HAN into the system of the Toshiro because it would allow the memory to programmed and erased more quickly (i.e., blocks vs. bytes) and improve memory access time.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a) Hosotani (5701506) is cited to show the use of a control unit changing an address for patching;
- b) Ienaga et al. (US6275923) is cited to show a control unit changing an address for patching;
- c) Bothwell et al., (US 6,301,635) shows updating flash memory;
- d) Yamagami (US 6,788,609) shows using preceding and current addresses for a preceding and current writes.
- e) Iida et al. (US 6591328) shows updating write addresses;
- f) Britt (US6230319) shows upgrading data to a flash memory.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Denise Tran whose telephone number is (571) 272-

4189. The examiner can normally be reached on Monday, Thursday, and Friday from 8:50 a.m. to 5:20 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matt Kim, can be reached on (571).272-4182. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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